

## HOUSE BILL NO. 387

INTRODUCED BY JUNEAU, CAFERRO, GALVIN-HALCRO, DICKENSON, HAMILTON, GROESBECK,  
MCALPIN, BRANAE, JACOBSON, SMALL-EASTMAN, SESSO, JAYNE, WANZENRIED, JOPEK, DOWELL,  
CAMPBELL, EATON, HARRIS, HINER, KEANE, HENRY, COHENOUR, VILLA, GOLIE, BIXBY

A BILL FOR AN ACT ENTITLED: "AN ACT SETTING THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
BENEFIT STANDARD BASED ON THE FEDERAL POVERTY LEVEL; PROVIDING THAT THE DEPARTMENT  
OF PUBLIC HEALTH AND HUMAN SERVICES ADJUST THE GROSS MONTHLY INCOME STANDARD AND  
THE NET MONTHLY INCOME STANDARD ACCORDINGLY; CREATING A TEMPORARY ASSISTANCE FOR  
NEEDY FAMILIES ADVISORY COUNCIL; AMENDING SECTIONS 53-4-212 AND 53-4-241, MCA; AND  
PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Methods of computing monthly benefit payment.** The benefit standard  
for computing the monthly benefit amount of temporary assistance for needy families cash assistance is set at  
~~40.5%~~ 35% of the annual federal poverty level published by the U.S. department of health and human services.  
The gross monthly income standard and the net monthly income standard must be adjusted accordingly by  
department rule to the levels proportionate to those in effect on July 31, 2003. The countable gross monthly  
income must be compared to the benefit standard after application of any allowable disregards to determine  
eligibility and benefit level for temporary assistance for needy families in addition to the eligibility requirements  
provided in 53-4-231.

**NEW SECTION. Section 2. TANF advisory council -- purpose -- membership.** (1) The department  
shall appoint a temporary assistance for needy families advisory council, as provided for in 2-15-122. The  
purpose of the advisory council is to act in an advisory capacity, as defined in 2-15-102, to protect the interests  
of families who are served under the temporary assistance for needy families program. The department shall  
present any draft or proposed administrative rules to the advisory council for advice regarding whether the rules  
serve the best interests of families and children on temporary assistance for needy families.

(2) The membership of the committee is composed of:

- 1 (a) one legislator from each house of the legislature, who may not be from the same party;
- 2 (b) two members from tribal communities appointed by the governor;
- 3 (c) three members from families who are participating in the temporary assistance for needy families
- 4 program; and
- 5 (d) two members of the public at large.

6

7 **Section 3.** Section 53-4-212, MCA, is amended to read:

8 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as

9 necessary or desirable for the administration of public assistance programs.

10 (2) The department shall adopt rules that may include but are not limited to rules concerning:

11 (a) eligibility requirements, including gross and net income limitations, resource limitations, and income

12 and resource exclusions;

13 (b) amounts of assistance; and methods for computing benefit amounts in compliance with [section 1];

14 and the length of time for which benefits may be granted;

15 (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be

16 eligible for assistance;

17 (d) procedures and policies for employment and training programs, requirements for participation in

18 employment and training programs, and exemptions, if any, from participation requirements;

19 (e) requirements for specified caretaker relatives, including cooperation with assessments, the number

20 of hours of participation required for each month, specific activities required to address employment barriers,

21 and other terms of performance;

22 (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients,

23 including maximum amounts of assistance payable and amounts of copayments required by specified caretaker

24 relatives;

25 (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;

26 (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who

27 fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's

28 obligations under the agreement, including the length of the period of ineligibility, if any;

29 (i) requirements, if any, for participation in the employment and training demonstration project;

30 (j) eligibility for and terms and conditions of extended medical assistance benefits;

(k) reporting requirements;

(l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or requirements of a public assistance program;

(m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including but not limited to the duration of the exemption;

(n) individuals who must be included as members of an assistance unit;

(o) categories of aliens who may receive assistance, if any;

(p) requirements relating to the assignment of child and medical support rights and cooperation in establishing paternity and obtaining child and medical support;

(q) requirements for eligibility and other terms and conditions of other programs to strengthen and preserve families;

(r) special eligibility or participation requirements applicable to teenage parents, if any; and

(s) conditions under which assistance may be continued when an adult or a dependent child is temporarily absent from the home and the length of time for which assistance may be continued."

**Section 4.** Section 53-4-241, MCA, is amended to read:

**"53-4-241. Amount of assistance determined by department rules.** The amount of financial assistance or nonfinancial assistance granted in any case must be determined according to [section 1] and the rules and standards of assistance established by the department."

**NEW SECTION. Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 53, chapter 4, part 2, and the provisions of Title 53, chapter 4, part 2, apply to [sections 1 and 2].

**NEW SECTION. Section 6. Effective date.** [This act] is effective May 1, 2005.

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